

Neutral, Informal & Independent:

The Ombudsman is a neutral, informal and independent resource which helps the public and MnDOT resolve issues that have previously been unresolved through the normal channels and processes.

Neutral

Neutrality means the Ombudsman is an advocate for a fair process, not an advocate for any one individual or group of individuals. The Ombudsman’s practice is to listen to all sides, check facts and try to help the parties find creative solutions to resolve the issue.

Informal

By taking an issue to the Ombudsman, constituents should expect informal processes to help resolve an issue. These processes include listening, brainstorming, clarifying, facilitation, reality testing and shuttle diplomacy.

Independent

The Ombudsman reports directly to the Commissioner. The Ombudsman is independent from the department entities and has sole discretion when fact finding or creating options for resolution.

Confidential

The Ombudsman also practices confidentiality to the extent possible under the Minnesota Data Practices Act, Minnesota Statutes, Chapter 13.

Looking Back / Looking Ahead

In 2013, the Ombudsman function at MnDOT was put into law (M.S. Section 174.02, subd. 2a). The office also refined procedures related to case handling, developed customer satisfaction surveys and developed performance measures for the office.

In 2014, the Ombudsman’s Office intends to conduct a cost/benefit analysis of the services it provides, review its standards of practice and refine performance goals.

The Ombudsman will...

- ⇒ Listen to all parties
- ⇒ Ask questions to clarify the issue; determine who has been involved and what action has been taken
- ⇒ Seek to understand what the constituent wants to see happen
- ⇒ Work with the constituent and department experts to generate options for resolution
- ⇒ Help all parties weigh the pros and cons of the options
- ⇒ Follow up on the final option selected

The Ombudsman will NOT...

- ⇒ Advocate for one party or point of view
- ⇒ Replace formal processes
- ⇒ Provide legal advice or opinions
- ⇒ Act as the final decision maker; the MnDOT Commissioner makes final decisions

See what people are saying about the Ombudsman...

“You’re awesome! Thanks!!”

- Mn House of Representatives Staff



“Please accept our thanks to you, for listening to our concerns. You got the right people sharing good information within MnDOT, the City, and citizens. The number of times you updated us, checked in with us and collaborated with us really was impressive. I think we and others learned a lot.”

- Constituent

“I have referred many cases to the Ombudsman brought to me by legislators, and the results have been great. I think constituents finally have someone in MnDOT who listens to their concerns and thinks “outside the box” on how to resolve thorny problems with the department. “

- Mn House of Representatives Staff

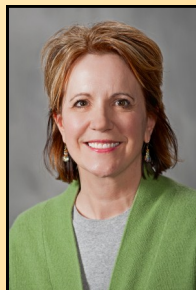
“You and your office serve such an important function, both as an independent resource for the public, and also as a final means for issue resolution for internal staff when we can’t fully resolve an issue to a constituent’s satisfaction.”

- MnDOT Staff

A Message from the Transportation Ombudsman

It is my pleasure to submit this annual report on the performance of the Ombudsman’s Office for the 2013 calendar year. I hope this report illustrates how our small office helps the people of Minnesota in a big way. As in previous reports, we have included a sampling of the kinds of issues people bring to us and how we responded to them. I hope you find this report useful.

I would like to thank everyone we work with at MnDOT for their commitment to resolving disputes in a collaborative way. Please contact me if you have any questions or comments. We welcome the opportunity to discuss our program and the services we offer with you.



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To request this document in an alternative format, please contact MnDOT’s Affirmative Action Office at 651-366-4718 or 1-800-657-3774 (Greater Minnesota); 711 or 1-800-627-3529 (Minnesota Relay). You also may send an email to ADArequest.dot@state.mn.us.



Celebrating 5 years of issue resolution

A Message from the Minnesota Department of Transportation Commissioner

Dear Citizens of Minnesota,

I am pleased to share with you the 2013 Ombudsman Annual Report for the Minnesota Department of Transportation (MnDOT).

Established in October 2008, MnDOT’s award-winning Ombudsman program is celebrating their 5th year of providing neutral, informal and independent issue resolution to the public. By listening to all sides of an issue, putting people first and collaborating to find solutions that meet the interest of all parties, the Ombudsman can provide options to move all parties forward with the aim of settling conflicts in a fair and timely manner.

In 2014, the Ombudsman will continue to serve as a resource for the public to help resolve issues with MnDOT through continued refinement of the program. Although there is not an easy remedy for every situation, the Ombudsman ensures that interests are addressed and options for resolving the matter are considered.

We thank all of you who have entrusted the Ombudsman with your issues. We have learned a great deal in the last five years, and together we will continue to help MnDOT act with integrity and accountability.



Commissioner Charlie Zelle
Minnesota Department of Transportation



Ombudsman Annual Report

January 2013 - December 2013

On the Inside:

Neutral, Informal & Independent

Examples of Sustainable Resolutions

Annual Statistics

Satisfied Constituents



Case Example:



No Right Turn

Issue:

The owner of a business went to his county board to seek a conditional use permit to open up a wedding venue. The permit process required the county to seek MnDOT District approval before issuing the permit because of safety concerns related to the entering and exiting of the business’s property.

The owner’s business was located off of US Highway 14, which is a high-volume and high-speed highway. The roadway had a left turn lane for those travelling west, which allowed patrons to safely wait for an opening to make their turn. However, no turn lane existed for patrons travelling east to make a right turn into the business owner’s property. The District felt this was a dangerous situation and denied approval of the permit because there was no right turn lane. The county denied the conditional use permit, citing the District’s reason among other county specific issues.

The business owner did not want to be prohibited from opening his new business due to the lack of a turn lane. The business owner hired an engineer to design and build a turn lane at his expense. However, the District would not allow a right turn lane to be built because the standards for this type of roadway do not allow for a right turn lane so close to the interchange on-ramp. The owner was very frustrated because he felt the only impediment to getting his permit was the right turn lane. He contacted the Ombudsman and his state representative for help.

Action:

The business owner felt the District was not listening to his concerns. The Ombudsman, District personnel and the state representative met with the business owner at his place of business. The interests and positions of the business owner were considered, and an action plan was created that required:

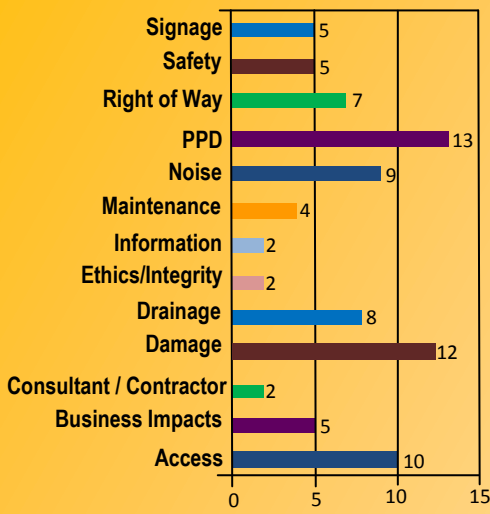
The owner to work on resolving the other issues brought forth by the county before reapplying for the permit. The representative agreed to work with the constituent and the county to make sure all these issues were addressed. Once the county issues were resolved, the District agreed to reconsider giving the business owner approval for the conditional use permit.

Resolution:

The on-ramp taper was restriped by the District to accommodate a right turn lane into the business owner’s property. The District also evaluated the existing shoulder to see if it could be widened to accommodate a right turn lane. It was determined that the additional width required for the turn lane was the business owner’s responsibility. The District agreed to restripe the area and provide signage if/when the turn lane is built.

Data:

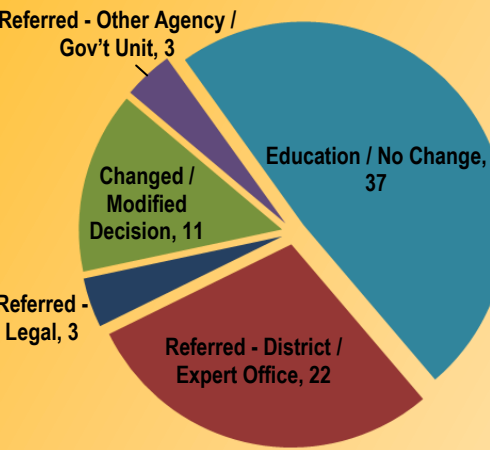
The Ombudsman’s Office has decided to only report on cases requiring a resolution for 2013. As a result, cases that were purely informational will not be shown, as in previous years.



Case Distribution by Concern Type:

In 2013, the Ombudsman’s Office handled 84 cases of which 73 were new cases and 11 were cases carried over from previous years.

- The Ombudsman’s Office categorizes issues into 15 topic areas, although only 13 were utilized in 2013.
- In 2013, *Planning, Programming and Design (PPD) was the top issue category.
 - The number of PPD requests have fluctuated over the years; from 7 in 2011 to 5 in 2012, and then increased to 13 in 2013.

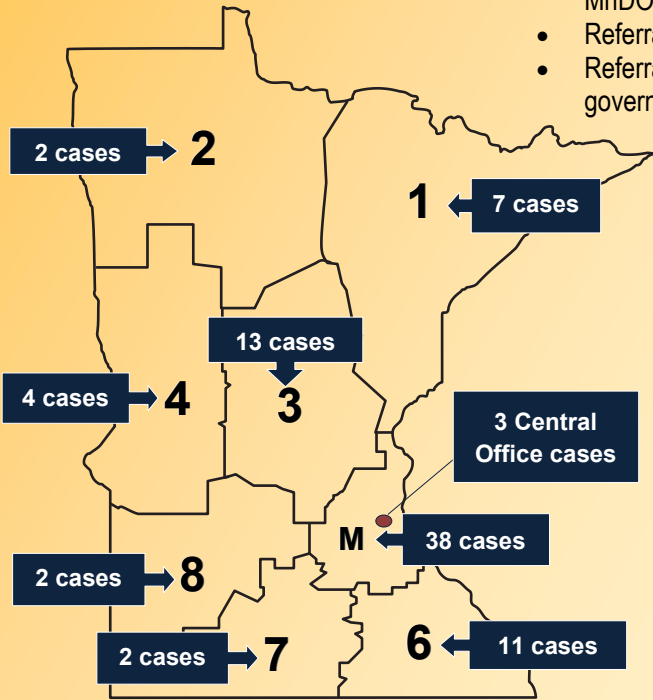


Resolutions in 2013:

In 2013, the Ombudsman’s Office resolved 76 of the 84 cases handled. Eight cases were carried over to 2014.

In 2013, the Ombudsman’s Office resolved its cases in the following ways:

- Education of the constituent, with no change in the MnDOT decision
- Change in MnDOT policy or procedure
- Modification of the original MnDOT decision
- Referral to a MnDOT District or to a MnDOT specialty office
- Referral to MnDOT’s Chief Counsel
- Referral to another agency or governmental unit.



This map shows the case distribution throughout the state during 2013. There were also two issues categorized as Statewide*.

*A statewide issue is an issue that is not related to a specific location.

Case Example:



Unwanted Noisewall

Issue:

Representatives from the Marcy Holmes Neighborhood Association in Minneapolis (Neighborhood) contacted the Commissioner about their concerns with the noise mitigation plans for a project along 35W. The project called for a noisewall due to high noise levels in the neighborhood exceeding both state and federal noise standards. The neighborhood representatives took issue with MnDOT’s noisewall policy, which was adopted from federal law. The policy allows only the impacted receptors (primarily those who own homes bordering the highway) a vote for or against the construction of a noisewall. The Neighborhood claimed MnDOT was not taking into account their social, economic and environmental concerns. The Neighborhood, along with several political officials, requested the project be delayed until their concerns were addressed.

Action:

After several meetings with the Neighborhood, political officials, MnDOT and other governmental agencies, the Ombudsman determined more education would be provided to the public on MnDOT’s noisewall voting policy and procedures. MnDOT and the other governmental agencies and the Neighborhood conducted several public meetings and open houses to engage the impacted receptors so they knew about the importance of the vote and the potential consequences of how they voted.

Resolution:

MnDOT and the other governmental agencies and the Neighborhood came together and developed a public outreach plan for the impacted receptors. After the voting process was completed the ballots were tallied and the noisewall was voted down. The Neighborhood was satisfied with the results. The Ombudsman’s role in this matter was to bring the Neighborhood’s concerns forward, ensure a fair process, and provide education and options when it was needed.

The Ombudsman serves both the public and MnDOT by helping to ensure both sides are heard and creative problem solving takes place. The Ombudsman presents options and recommendations but does not make the final decision in resolving an issue. Final decision making authority rests with MnDOT’s Commissioner.

*PPD: The issues placed within this category are outside of the other categories listed. Examples include: plans for a corridor or project, funding of a project, prioritization of a project, project scope, public participation process for the project, process and design elements contained within a project.